

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.1146 OF 2019
IN
CRIMINAL APPEAL NO.682 OF 2014**

Dnyaneshwar Balu Patole

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Kuldeep Patil i/b Mr. Shailesh D. Chavan for the Applicant.

Mr. J. P. Yagnik, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
MRS. SWAPNA S. JOSHI, JJ.
DATE : 22/07/2019.**

P.C.:

. The present applicant-accused No.5 in jail since last about 11 years has moved this application pointing out that his first application moved vide Criminal Bail Application No.865/2015 was rejected on 20/10/2015.

2. Submission is thereafter accused Nos.3 and 6 have been released on bail by this Court on 13/2/2018. It is also pointed out that this Bench has on 5/7/2019 enlarged accused No.2 on bail while deciding Application No. 240/2019.

3. Learned APP has strongly relied upon earlier order dated 20/10/2015 and pointed out that accused No.5 was identified by 2 eye witnesses as mentioned therein.

4. The contention that PW-2 and PW-3 are eye witnesses has been looked into by this Court on 20/10/2015. It was then pointed out they have surfaced as eye witnesses later on. This Court on 13/2/2018 while deciding Bail Applications moved by accused Nos.3 and 6 has taken note of the fact that PW-11 who claims to know all accused persons has not taken name of accused Nos.3 and 6 while lodging FIR, therefore they were released on bail. On 5/7/2019 we found accused No.2 similarly placed and therefore he was released on bail. In addition, we have also looked into alleged failure to connect revolver with the crime.

5. The case of present applicant accused No.5 is identical with that of accused Nos.3 and 6. PW-11 who has lodged the FIR has not named him. His name has surfaced when statement of witnesses PW-2 and PW-3 were recorded after some delay.

6. Applicant has already put in 11 years in prison. We therefore find him entitled to be released on bail on the following terms and conditions:

- (a) The applicant shall execute personal bond in the sum of Rs.25,000/- before the trial court for proper behaviour and for remaining present on due dates before the Court in the present matter, with two independent sureties in the like amount;
- (b) He shall give address at which he shall always be available during the pendency of this appeal along with his contact numbers;
- (c) Similar details in relation to his sureties shall also be furnished;
- (d) He shall not in any way directly or indirectly attempt to contact or pressurize either complainant or any of the witnesses in the matter.

- (e) He shall keep vakalatnama of his advocate alive and valid till the appeal is finally decided by this Court and shall not be entitled to any fresh notice at the stage of final hearing;
- (f) He shall report to the Superintendent/Registrar of Additional Sessions Court, Pune on first working Monday in every two months as a condition of his release;
- (g) His failure to observe any of the terms and conditions mentioned above shall entitle the respondent State to take him in custody forthwith;
- (h) The application is accordingly allowed and disposed of.

(MRS. SWAPNA S. JOSHI, J.)

(B. P. DHARMADHIKARI, J.)